

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 11, 2016 - 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, January 11, 2016, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen, Police Chief Stanger and Fire Chief Thill.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

A. Approval of Minutes

- i. Minutes of November 9, 2015 City Council Meeting Minutes
- ii. Minutes of November 23, 2015 City Council Meeting Minutes
- iii. Minutes of November 30, 2015 Special Meeting Minutes
- iv. Minutes of December 5, 2015 City Council Work Session Minutes

B. Resolution Approving Disbursements for Period Ending January 5, 2016

C. Accept Final 2015 Donations for Various Parks and Recreation Programs

D. Approve a Joint Powers Agreement between City and Dakota County for Emergency Management Services

E. Accept Donation for Police Department from Marylin Murphy in Memoriam of Jerry Murphy

F. Authorization of the Use of Eminent Domain Process to Acquire Easements City Project No. 2015-13

G. Approval of Water Plant Operator Job Description and Compensation and Promotion

H. Consider Change Order No. 4 and Pay Voucher No. 8 for the 2015 Capital Improvement Program, City Project No. 2015-10 – NWA Trunk Utility Improvements, Argenta District (Alverno to Blackstone Vista Development) and City Project No. 2015-11 – NWA 70th Street Lift Station, Argenta District

I. Approve Custom Grading Agreement for 8811 Aviary Path (Lot 12, Block 1, Annistone Ranch)

J. Approve Proposal from EOR, Inc. for Development of NWA H & H Model Transfer Information for Wenck Associates and Future Users of the Model

K. Personnel Actions

Motion by Bartholomew, second by Hark, to approve the Consent Agenda 4.A- 4.K. were pulled.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

The Public Hearing opened at 7:01PM.

A. CITY OF INVER GROVE HEIGHTS; Consider Approval of Liquor License Application at Top Restaurants, LLC dba 1.2.3. Pasta, 6508 Cahill Avenue for On-Sale Wine and On-Sale 3.2 Malt Liquor License.

Ms. Tesser, City Clerk stated that Top Restaurant, LLC dba 1.2.3. Pasta is asking for their application to be considered for approval. Their license request includes on-sale wine and on-sale 3.2 malt liquor. Pursuant to Minnesota statutes section 340A.411 and city code 4-1-4 (B), if the restaurant has seating capacity for at least twenty five (25) people at one time and gross receipts are at least sixty percent (60%)

attributable to the sale of food they may also sell on-sale intoxicating malt liquor (also known as strong beer) without an additional license.

This will be a new restaurant in Inver Grove Heights at the location of 6508 Cahill Ave. The restaurant will serve pastas, salad, flatbread and pizza. The owners also own a restaurant called La Grolla in St. Paul.

The Public Hearing notice was published on December 20, 2015. The two owners' background checks were completed by the Police Department. There were no findings reported that would warrant a recommendation of denial. State forms, the insurance certificate and fees have been received. The business has a tentative date of opening for April 1, 2016. Once staff is hired they will provide the City Clerk with the alcohol training certificate.

One of the owners, Antonio Tettamanzi was present and spoke to the council.

Councilmember Piekarski Krech stated that she thought the address was incorrect. It was her belief that the address of 6508 Cahill Ave was the Dollar Store address. Mr. Tettamanzi stated that the address may be 6500 Cahill Avenue. Ms. Tesser stated that if that is the case, then the application will have to be corrected with the right address. The owner of the restaurant stated that it is the location of the old Pizza Man. Councilmember Hark asked if the council can approve the license with the incorrect address. Mayor Tourville stated in affirmative, we will approve the address with the correct address.

Motion by Mueller, second by Piekarski Krech, to close the public hearing at 7:04PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Hark, second by Mueller, to approve the license for Top Restaurants, LLC dba 1.2.3. Pasta, 6500 Cahill Avenue or 6508 Cahill Avenue for On-Sale Wine and On-Sale 3.2 Malt Liquor License.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

I. FINANCE

A. CITY OF INVER GROVE HEIGHTS; Approve Official Depositories for 2016

Ms. Smith introduced and summarized the item. This item is a regular designation requirement completed annually. Ms. Smith stated it is the same designated institutions that were designated in the past: Bremer Bank, Wells Fargo Bank, RBC Capital Markets, LLC, Wells Fargo Securities LLC, Morgan Stanley Smith Barney, LLC and Stifel Nicolaus & Co., Inc. She further stated that we use all of these currently at the moment.

Mayor Tourville stated that there are all in existence and we're using them. Ms. Smith nodded in affirmation.

Motion by Bartholomew second Piekarski Krech to approve the official depositories for 2016.

Ayes: 5

Nays: 0 Motion carried.

II. COMMUNITY DEVELOPMENT:

B. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of an Ordinance Amendment to the Regulations of Parking of Vehicles and Recreational Vehicles in the Front Yard by Removing One of the Temporary Exceptions.

Mr. Link stated that the ordinance in front of the council deals with front yard parking. The ordinance states that recreational vehicles are allowed to be parked in the front yard provided that there is a parking pad contiguous to the driveway. There is an exemption in there up until seven days. This exception has created difficulties to enforce because city staff has to document that the vehicle hasn't moved for seven days. The purpose of the amendment is to then delete that exception. Mr. Link stated that the ordinance is the same as the Council saw in the first reading. The Planning Commission and Planning staff recommended approval of the ordinance language. The second issue is the parking of boats and trailers in the front yard that is allowed by ordinance. Mr. Link stated that there has been question if the council would like to continue to allow that to occur or not. If the council would like to amend that language he stated, then the ordinance would have to go back to the Planning Commission to amend that language and have a public hearing. He further pointed out that the only issue on the table for tonight's meeting is the seven day exception.

Councilmember Piekarski Krech asked Mr. Link to define front yard for her. Mr. Link stated it doesn't impact the backyard or side yard. The front yard by definition is 30 feet from the right of way. The way the ordinance is written it is from the right of way to the building. It is a slightly different definition. The intent is to only regulate the front of the house and not the side or the rear of the house.

Councilmember Piekarski Krech stated the front yard is anything that is considered in the front including the driveway. Mr. Link stated yes, that's correct that the ordinance is regulating the front yard parking.

Councilmember Mueller stated he had a copy of the code from the code compliance official. Councilmember Mueller gave Mr. Link the copy of the code. Mr. Link displayed the code to be viewed by the camera. Mr. Link went through the code and pointed to the areas that were within regulation.

Councilmember Piekarski Krech stated the white shaded areas in front of the house are the areas that the council would like to get away from. Mr. Link stated that the white areas are legal if they're paved and connected to the driveway, both for vehicles and recreational vehicles.

Mayor Tourville stated that some of the complaints that they are hearing is that it's not connected but set apart from the driveway and it's not on hard surface.

Councilmember Mueller stated that Mr. Link stated paved. He stated that they have paving bricks, are you considering that. Mr. Link stated yes, paving bricks is considered paving. Councilmember Mueller stated that we need to change that. Mr. Link stated bituminous, concrete or paving is what the ordinance states. Councilmember Piekarski Krech used the example of parking a recreational RV in her front yard.

Councilmember Bartholomew stated that you would have to meet the impervious surface area to park your RV in your front yard. Councilmember Piekarski Krech stated that many properties would meet the impervious surface area requirements.

Mr. Link commented that staff has instructed residents that it has to meet the impervious surface requirement but the hard surface area can't be larger than the recreational vehicle.

The council stated that they would like the recreational vehicle ordinance, personal vehicles and water craft vehicles to go back to the Planning Commission. Councilmember Piekarski Krech stated that bringing the ordinance back to the commission doesn't solve the entire problem.

Mr. Kuntz summarized the issues at hand, Mr. Link will take back to the Planning Commission is an ordinance prohibiting the recreation vehicles such as a boat from being parked anywhere in the front yard whether or not on a hard surface. He added, if that's not what the council is saying than Mr. Link needs more direction. Mayor Tourville stated that is not Council's intention. Councilmember Piekarski Krech stated that the issue is in front of the house. Councilmember Bartholomew stated that point is moot.

Mayor Tourville asked Mr. Link to come back to the Council with a second reading. Mr. Link stated that he can return to the Council in February for the second reading and post information in the Insight newsletter in March 1. It can move forward to the seven day exemption portion of the ordinance. Mr. Link added that the issue with the recreational vehicles can be a completely separate issue that can start the process with the Planning Commission.

Councilmember Piekarski Krech stated that her issue is with the large recreational vehicles parking in front of houses. She stated she doesn't have an issue with them parking the vehicles on the side of the house.

Mayor Tourville gave direction and stated the council would like to see this again.

Motion by Piekarski Krech second Mueller to approve the second reading of the ordinance to remove the seven day exception.

Ayes: 5

Nays: 0

Motion carried.

III. ADMINISTRATION:

C. CITY OF INVER GROVE HEIGHTS; Consider Approval of the Letter to Dakota County on the Southern Road Alignment Study

Mayor Tourville summarized the item. He stated staff thinks this item is premature. Mayor Tourville continued that he doesn't support the letter. In any study we do, we need to wait until the study comes out. He stated the county will be meeting with the council in January to discuss their findings. Councilmember Piekarski Krech stated we meet with the county in February.

Councilmember Bartholomew stated that the Council had the chance to meet with staff to discuss their concerns and asked Council if they thought it would be prudent to wait until after conversations with staff before making the determination. Mayor Tourville stated that residents he spoke to stated that the letter is contrary to what they believe should be in the letter. Councilmember Bartholomew stated some residents don't want any improvement to the road. He stated he would like to listen to staff first.

Councilmember Hark stated that the Dakota County will be at the Feb work session meeting. He stated that he did a 180° on this issue. He opined that the letter is not what residents want and is premature. Councilmember Hark stated we need to be very careful before we send this letter to the County.

Councilmember Mueller stated that he wants to know what the Council thinks after the presentation from the County is made. He asked the Council if they were going to keep their mouths shut.

Councilmember Hark stated that Council will meet with staff to discuss their issues and that the presentation will be in February and then we will be in a better position to have the conversation. Councilmember Mueller stated that he was okay with not sending the letter. Councilmember Bartholomew stated that all five of us will have input. Mayor Tourville stated that we may have more questions than answers. Councilmember Mueller asked what the questions are going to be. Mayor Tourville stated that the Council needs to wait for the presentation to happen first before there are questions.

Councilmember Piekarski Krech stated that she doesn't think staff will provide anything new before the County presentation in February.

Councilmember Hark stated that we should wait for the staff to present to us on the one on one meetings and that we need to be careful before sending a letter like this out before we know the ramifications.

Mr. Lynch stated that the one on one meetings with the council will be based on conversations we have had with Dakota County staff and city staff's recommendation on Akron Avenue. Councilmember Bartholomew asked if staff knows the county's recommendations. Mr. Lynch responded, yes, we know what they're going to present. And we know how they are going to present it, so we have some responses for you based on the findings that will be presented.

Paul Nelson, 11810 Akron Ave. doesn't want the letter sent out. Further, they want no improvements to Akron Ave.

Council recommended no further action on this item.

D. CITY OF INVER GROVE HEIGHTS; Consider Council Appointments for 2016:

- i) Official Newspaper**
- ii) Acting Mayor**
- iii) Council Delegates to Association of Metropolitan Municipalities**
- iv) Council Delegates to Dakota Communications Center Board**
- v) Deputy Weed Inspector**

Mr. Lynch introduced the items. These appointments are made annually.

i) Official Newspaper

The official newspaper was designated as Southwest Lillie Suburban. Mayor Tourville stated that there is no other options out there. Councilmember Hark asked what other options would there be? Councilmember Piekarski Krech stated Pioneer Press or Star Tribune.

Motion by Piekarski Krech second Mueller to approve the official newspaper.

Ayes: 5
Nays: 0 Motion carried.

ii) Acting Mayor

The Council agreed to continue past practices of appointing the Acting Mayor on a rotating basis.

Motion by Bartholomew second Piekarski Krech to approve the Acting Mayor on a rotating basis.

Ayes: 5

Nays: 0 Motion carried.

iii) Council Delegates to Association of Metropolitan Municipalities

The delegates of the Association of Metropolitan Municipalities are Mayor Tourville and alternate is Councilmember Bartholomew.

Motion by Bartholomew second Piekarski Krech to approve the Acting Mayor on a rotating basis.

Ayes: 5

Nays: 0 Motion carried.

iv) Council Delegates to Dakota Communications Center Board

The Dakota Communications Center Board are appointed for two year terms. The current Director for the City is Mayor Trouville and the Alternative Director will be Councilmember Piekarski Krech.

Motion by Piekarski Krech second Hark to approve the Acting Mayor on a rotating basis.

Ayes: 5

Nays: 0 Motion carried.

v) Deputy Weed Inspector

The Deputy Weed Inspector is Mayor Tourville. He assigned the duty to Brian Swoboda, City Forester/Park Maintenance Coordinator to serve as the Deputy Weed Inspector for 2016.

8. MAYOR & COUNCIL COMMENTS

Ms. Tesser stated that the new owners of 1.2.3. Pasta stated that they verified with the property owner leasing them the property that 6508 Cahill Avenue is the address. The City Clerk will look into verifying the address before issuance. The license was approved for the address but remains open in case of an issue.

Councilmember Piekarski Krech stated that the sewer rates and the 2016 are on the website and questions can go to Mr. Thureen. There are a lot of different rates. Storm water rates are not visible. Mr. Thureen stated that he has been getting phone calls and that staff is prepared to answer any questions residents have. Councilmember Piekarski Krech stated that residents having a difficult time are having a hard time finding the information. Further, he stated that the information is on the website. Councilmember Hark asked that he put the information on the homepage. Mr. Thureen stated he will direct staff to add it to the website's homepage as well.

Mayor Tourville and Council will meet at 6:00pm on Feb 22, 2016 to conduct City Administrator, Mr. Lynch performance review.

Motion by Tourville second Bartholomew to approve

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville asked for an update for the Denovich properties in the Friday memo.

Mayor Tourville asked about an email to the Community Center regarding the air quality. Mr. Carlson stated that the air quality was checked and stated the results were normal. The swim team does not have any issues currently.

9. ADJOURN: Motion by Hark, second by Bartholomew to adjourn. The meeting was adjourned by a unanimous vote at 7:51p.m.